



NEW YORK STATE  
BAR ASSOCIATION

# Report on Housing Court - New York State Bar Association **Real Property Section**

April 2025



The views expressed in this report are solely those of the Committee and do not represent those of the New York State Bar Association unless and until adopted by the House of Delegates.



# New York State Bar Association Real Property Law Section Housing Court Subcommittee

## **Report and Recommendations for Addressing Delays in Summary Proceedings**

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## II. Acknowledgements

The Subcommittee acknowledges with gratitude the help of the Office of Court Administration (OCA) in meeting with the Subcommittee and providing supporting data.

## III. Introduction

- **The problem examined: Inordinate delays in the processing and resolution of summary proceedings in the housing/civil courts (collectively the “Housing Court”) in the five counties of New York City**

In recent years, the number of summary proceedings filed in Housing Court seeking to evict tenants has risen exponentially. Evictions are costly on all sides of the dynamic. For owners, there are legal fees, court costs, lost rent, and often property damage; these costs are likely to be passed on to current and prospective tenants. For tenants, there is housing instability, leading to a cascading series of other impacts: loss of employment, lapses in work performance, disruption in children’s education, and mental health declines. Not unexpectedly, delays in processing actions have risen in tandem with the number of filings, but paradoxically, the allocation of resources to prosecute these actions has fallen. As we demonstrate below, courts are so overwhelmed that in some cases, there may be as many as five months between the filing of a petition for possession and the first court appearance and as much as one year before disposition. The expeditious summary proceeding prescribed in the Real Property Actions and Proceedings Law (RPAPL), discussed below, has been pushed to the wayside. The *summary* proceeding has become a mere theoretical proposition, as cases are drawn out to the detriment of all parties, including the Housing Court itself.<sup>1</sup>

The Housing Court Subcommittee was established in July 2024 by the New York State Bar Association, Real Property Law Section. This report was approved by the Real Property Section Executive Committee on January 16, 2025.

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<sup>1</sup> In 2018, largely in response to the enactment of the Uniform Access to Counsel Law, the Special Commission on the Future of the New York City Housing Court (Housing Court Commission) issued a Report (“2018 Housing Court Report”), [housingreport2018\\_0.pdf](#), which sets out a number of recommendations to serve as a “blueprint to revitalize Housing Court operations, improve efficiency and enhance the quality of the experience there for all court users.” One year later, in an update, [19 Housing Court-Report Update.pdf](#), the Housing Court Commission concluded that some, but not all of the recommended initiatives had been accomplished. The data, as presented in the instant Task Force Report, reveals that much reform is still needed.

**Mission of the Subcommittee:**

- To analyze the causes of the processing delays facing the Housing Court;
- To assess the social and economic impact of the dysfunction in the system; and
- To propose legislative, administrative and practical solutions toward a just, integrated and efficient system for adjudicating Housing Court matters.

**IV. Executive Summary**

**Findings:** The Subcommittee has determined that the delays experienced by parties in Housing Court proceedings are attributable to several key factors and circumstances:

- Legislative changes recasting the rights of owners and tenants in summary proceedings;
- Shortages in court personnel, including judges, court attorneys, clerks, and interpreters;
- Inefficient procedural mechanisms for handling settlement allocutions and for assignment of counsel;
- Inadequate physical spaces for hearings and settlement conferences;
- Shortages of tenant counsel; and
- Lack of training of court staff on case management technology.

**Recommendations for Action:** The Subcommittee believes that most of the Housing Court's delays can be remedied in the short term by the following:<sup>2</sup>

- Restructuring the Housing Court to create separate parts for non-payment proceedings and for allocutions;
- Substantially increasing the number of housing court personnel;
- Expanding the Small Property Part to include owner-occupied properties having up to six units;
- Requiring pre-filing mediation;
- Restructuring proceedings to require the assignment of counsel at or before the first court appearance;
- Acquiring, constructing and/or configuring more physical spaces for courtrooms and conference rooms; and
- Establishing and supporting a training regimen for staff on the New York State Court Electronic Filing (NYSCEF) platform.

**Implementation of the Recommendations:** To implement these recommendations, NYSBA and RPL Section should:

- Propose and advocate for legislative amendments:
  - for restructuring the Housing Court to create separate non-payment, allocutions, and Small Property Owners Part
  - to amend the RPAPL to require pre-filing mediation

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<sup>2</sup> The Task Force recognizes that the problem of adequate affordable housing looms large in the issues facing the Housing Court, but a problem whose resolution is beyond its mission and power.

- Propose and advocate for increased fiscal appropriations to:
  - hire and train Housing Court personnel
  - increase funding for the Universal Access to Counsel program; and
  - construct and develop physical spaces for court proceedings and conferences
- Propose rule changes for the OCA to:
  - restructure the Housing Court to create separate non-payment and allocutions parts
  - require assignment of counsel at or before the first court appearance
  - expand the Small Property Owner Part to include owner-occupied properties with up to six units
- Establish an office to monitor Housing Court proceedings and to study the electronic filing system.

## V. Background

In 2018, the *Special Commission on the Future of the New York City Housing Court* (Housing Court Commission)<sup>3</sup> issued a report (2018 Housing Court Report) of its assessment of the state of the City’s Housing Court. This report followed the enactment of the Universal Access to Counsel Law,<sup>4</sup> thought to be a milestone in the evolution of landlord-tenant relations. The Housing Court Commission began the report by noting that “Housing Court” was one of the “busiest and most overburdened courts in the nation. On average, the Court handle[d] a quarter of a million summary proceedings annually, as well as thousands of other housing-related cases.”<sup>5</sup> Given this volume of actions, it was imperative to “address long-standing and serious problems . . . ,” the Housing Court Commission remarking that in the Bronx, for example, “some trials [were being] conducted in the lobbies outside elevator banks.”<sup>6</sup>

The 2018 Housing Court Report noted that the problems of the Housing Court were persistent, despite many efforts at reform. It referred to a 1986 report issued by the *City-Wide Task Force on Housing Court*, which revealed that nearly 64% of all cases were non-payment proceedings and 19% being holdover actions. In 79% of those cases, tenants were unrepresented, in contrast with 22% of owners, and that those unrepresented tenants were “the City’s most vulnerable population—80 percent . . . Black or Hispanic; 66 percent . . . women; [and] nearly 50 percent receiv[ing] some form of public assistance.”<sup>7</sup> That 1986 assessment was followed in 1997 by the *Housing Court Program: Breaking New Ground*, which offered a distressing picture of the Housing Court:

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<sup>3</sup> 2018 Housing Report, *supra* note 1.

<sup>4</sup> 26 NYC Admin. Code Section, Chap. 13.

<sup>5</sup> 2018 Housing Court Report, *supra* note 1 at 1.

<sup>6</sup> *Id.*

<sup>7</sup> 2018 Housing Court Report, *supra* note 1 at 6, *citing Monitoring Subcommittee of the City-Wide Task Force on Housing Court, Five minute justice, or “Ain’t nothing going on but the rent!”: A Report (1986)* (“1986 report”).

The combination of massive caseloads, litigants largely unfamiliar with the legal process and limited judicial resources ha[d] resulted in an environment that more closely resemble[d] a hospital emergency room than a court . . .<sup>8</sup> facilities [were] ill-equipped to accommodate the large number of litigants that appear[ed] daily. . . . Litigants, often accompanied by children, [could] wait for hours for their cases to be called and the opposing party to appear . . . If resolution [could] not be reached, they [were] given a future date to return for trial. Throughout the process, settlement negotiations [took] place in every corner of the courthouse – resulting in stipulated agreements that in many instances [were] not honored and, as a consequence, tenants returning to Court for Orders to Show Cause to forestall evictions.<sup>9</sup>

The Housing Court Commission admitted that while numerous changes and initiatives had been implemented since the 1997 report, Housing Court still exhibited a high degree of dysfunction.<sup>10</sup> In response, it proposed a number of reforms:

- The assignment of counsel under the Universal Access to Counsel law should occur at the earliest possible time, ideally before the court appearance, but no later than at the first appearance, to allow for early resolution of cases and to divert cases from court;<sup>11</sup>
- Amend RPAPL §732 to allow automatic extensions to file answers to petitions;
- Restructure court proceedings:
  - stagger morning calendars, with specific assigned appearance times of 9:30 a.m., 10:30 a.m., and 11:30 a.m., to relieve congestion on security lines and in the courtrooms and waiting areas generally,<sup>12</sup>
  - reserve the afternoon calendar for hearings, arguments, and in-depth resolution of matters.<sup>13</sup>
  - have judges and court attorneys engage in conferences with parties toward settlement,<sup>14</sup> and
  - expand the night sessions;<sup>15</sup>
- Monitor the duration of cases, requiring explanations from parties if after three appearances a case is not resolved,<sup>16</sup> and require prompt assignment to the trial part and expeditious scheduling of pre-trial conferences and trial;<sup>17</sup>
- Adopt alternative dispute resolution practices;<sup>18</sup>
- Allow e-filing of court papers;<sup>19</sup>

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<sup>8</sup> 2018 Housing Court Report, *supra* note 1, at 6, citing *New York State Unified Court System, Housing Court Program: Breaking New Ground (1997)* 2 (“1997 Report”).

<sup>9</sup> 2018 Housing Court Report, *supra* note 1, at 6, citing 1997 Report.

<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Id.* at 7, 9.

<sup>12</sup> *Id.* at 10.

<sup>13</sup> *Id.* at 12.

<sup>14</sup> *Id.* at 10.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> *Id.* at 12.

<sup>17</sup> *Id.* at 13.

<sup>18</sup> *Id.* at 15.

<sup>19</sup> *Id.* at 17.



- Increase the number of judges [from the then 50];<sup>20</sup> as well as court attorneys, clerks, and interpreters;<sup>21</sup>
- Use civil court judges for trials;<sup>22</sup>
- Increase training of personnel;<sup>23</sup>
- Implement greater deployment of volunteers;<sup>24</sup> and
- Redesign and/or repurpose facilities without delay.<sup>25</sup>

One year later, in an Update to the 2018 Housing Court Report,<sup>26</sup> the Commission looked back to assess improvements in the functioning of the Housing Court and concluded that “[m]any suggested reforms ha[d] been fully implemented, some with appropriate modifications”; that “[a]s with any large-scale operational shift, anticipated as well as unforeseen obstacles and outcomes delayed or required reconsideration and/or reformulation of some proposals that proved impractical or where initial results were unimpressive. Work undoubtedly remain[ed] to be done, and budgetary constraints, construction complications and space limitations ha[d] temporarily delayed some projects.”<sup>27</sup> Among other things, the Update noted:

- Staggered calendars had worked to achieve the goal of reducing “frustrating delays”;<sup>28</sup>
- Preliminary conference orders were being used in all cases;<sup>29</sup>
- The expeditor Part “X” was being used purely as a trial assignment part and trial judges were conducting pre-trial conferences;<sup>30</sup>
- Night sessions had not expanded by significant degrees;<sup>31</sup>
- Mediation practices were slow to be established, although Brooklyn courts were using existing mediation partners;<sup>32</sup>
- Some facilities had been refurbished and repurposed for court proceedings, but many proposals had only been scheduled;<sup>33</sup> and
- More than 20 court attorney positions had been filled, but budgetary constraints limited increases in court personnel.<sup>34</sup>

Now, five years later (and post-pandemic), this Subcommittee has collected court data<sup>35</sup> that depicts a bleak and frustrating picture of the state of the Housing Court, still mired in

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<sup>20</sup> The Housing Court Commission noted that the number of judicial appointments had not been increased in nearly 20 years, notwithstanding a longstanding and recognized need for more judges. *Id.* at 22.

<sup>21</sup> *Id.* at 22, 23.

<sup>22</sup> *Id.* at 18.

<sup>23</sup> *Id.* at 27.

<sup>24</sup> *Id.* at 22.

<sup>25</sup> *Id.* at 17.

<sup>26</sup> [19 Housing Court-Report Update.pdf](#) (“2019 Update”).

<sup>27</sup> 2019 Update, *supra* note 1 at 3.

<sup>28</sup> *Id.* at 5.

<sup>29</sup> *Id.* at 6.

<sup>30</sup> *Id.* at 6.

<sup>31</sup> *Id.* at 7.

<sup>32</sup> *Id.* at 7.

<sup>33</sup> *Id.* at 9.

<sup>34</sup> *Id.* at 11.

<sup>35</sup> Due to the number of courts, cases and the complexity of the court system, we have gathered information from multiple data sources. This Task Force analyzed reports from the OCA, the Office of Civil Justice (New York City

dysfunction by ancient and out-of-sync systems that cause inordinate delays—in the assignment of index numbers, in the time to get a court appearance, for the assignment of counsel, and for the disposition of actions.<sup>36</sup> The delays begin at the inception of a proceeding and are compounded through the case history. This Subcommittee believes that aggressive and durable initiatives are required to ensure that Housing Court proceedings comply with law and due process. Our report identifies some of the causes of the problem, many of which are redressable in the short term by legislative and administrative changes. We start with the statutory requirements for the processing of the summary proceeding, then go on to show how and why these requirements are not being met.

### Existing Legislation

RPAPL §732(1) provides in relevant part:

- A non-payment petition shall be returnable before the clerk within 10 days after its service upon the tenant.
- If the tenant fails to respond to the petition within 10 days of service, judgment shall be issued in favor of the owner. (RPAPL §732(3));
- If the tenant interposes an answer to the petition, the Clerk must schedule a date for trial or a hearing between three and eight days thereafter. (RPAPL §732(2)).

RPAPL §733, pertaining to holdover proceedings, i.e., where an owner petitions the court to recover possession of real property for reasons other than non-payment of rent, provides that a holdover petition shall be assigned a court date:

at least 10 and not more than 17 days after service of the petition.

The failure of the Housing Court to adhere to these time strictures can be attributed to several factors and circumstances, including but not limited to: **The Covid-19 Pandemic:** The pandemic and the resulting moratorium on evictions caused processing delays and a backlog of cases that continue to tax the system.

**Legislative changes:** Several recent legislative enactments have significantly altered the landlord-tenant dynamic. This Subcommittee does not opine on the rationales or efficacy of these legislative changes. We recognize the importance of laws to address historical inequities in the system and to further the larger societal goals of housing access and stability. Instead, we only here point out their impacts on the conduct of summary proceedings.

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Department of Social Services), the New York City Inspector General, and secondary reports from entities such as the New York University Furman Center for Real Estate & Urban Policy. In some instances, these reports offer overlapping timeframes and case filings that are not consistent throughout the calendar year. This makes monthly inferences unreliable, so the majority of our findings look at calendar year averages or explicit 14-month periods. Additionally, populations differ across each county which impacts percentages and first-glance impressions.

<sup>36</sup>A pending Article 78 action recounts numerous examples of extraordinary delays. See *In the Matter of the Application of Argentine Leasing Limited Partnership, et. al., v. Office of Court Administration, et. al.*, Index no. 703941/2024, <https://unicourt.com/case/ny-sue1-caseegg967be76a3571-2581412>.

- Universal Access to Counsel Law<sup>37</sup>
  - As explained more fully below, the implementation of this program has led to decreased speed of the resolution of cases, largely on the account of the need to adjourn initial court appearances so that counsel can be found and appointed.
- RPAPL §746 governing allocation of stipulations
  - The section commands that “[n]o stipulation [of settlement] required to be on the record . . . may be approved by the court unless the court first conducts an allocation on the record.” This step in the resolution of cases, while essential to fairness and due process, nonetheless adds to the time for final resolution.
- Housing Stability and Tenant Protection Act (HSTPA)
  - Some court delays stem from the minimum adjournment requirements and tenants’ assertion of the failure to be served with the five days’ notice of rent due under Real Property Law (RPL) §235(e).<sup>38</sup>
- Emergency Rental Assistance Program (ERAP),<sup>39</sup> enacted in tandem with the pandemic eviction moratorium
  - Under ERAP, eviction cases were paused for tenants who had pending applications for rental assistance. This resulted in a backlog of more than 200,000 cases.<sup>40</sup>
- The Good Cause Eviction Law<sup>41</sup>
  - The Good Cause Eviction law went into effect in April 2024 and aims to ensure housing stability for vulnerable low-income tenants by limiting evictions, outlawing unexpectedly large rent increases, and requiring landlords to provide a reason to the courts when they decline to renew a lease.<sup>42</sup> The requirement to show good cause for

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<sup>37</sup>N.Y.C. Admin. Code § 26-1301, et seq.; see Vicki Been et al., *Implementing New York City’s Universal Access to Counsel Program: Lessons for Other Jurisdictions*, 16, N.Y.U., Furman Center (2018), <https://furmancenter.org/research/publication/implementing-new-york-city8217s-universal-access-to-counsel-program-lessons>. See also 2018 Housing Court report, *supra* note 1 at 22 (recommending legislative authorization to increase the total number of Housing Court judges by at least ten, bringing the total number to 60).

<sup>38</sup>RPAPL § 745(1) (“At the time when issue is joined the court, at the request of either party, shall adjourn the trial of the issue, not less than fourteen days, except by consent of all parties. A party’s second or subsequent request for adjournment shall be granted in the court’s sole discretion.”). See also Real Property Law (RPL) § 235(e) (tenants must be notified by certified mail within five days that rent was not received on the due date; tenant may raise as an affirmative defense to a nonpayment proceeding the failure to provide this notice).

<sup>39</sup>S2742C, <https://otda.ny.gov/programs/emergency-rental-assistance/>.

<sup>40</sup>*Eviction Cases ‘Overwhelming’ Legal Services 6 Weeks After Moratoriums End*, The Real Deal, March 1, 2022, <https://therealdeal.com/new-york/2022/03/01/eviction-cases-overwhelming-legal-services-6-weeks-after-moratoriums-end/>; see also David R. Jones, *Courts Become New Battlefield for Housing Crisis*, Community Service Society, March 17, 2022, <https://www.cssny.org/news/entry/courts-become-new-battlefield-for-housing-crisis>.

<sup>41</sup>The Good Cause Eviction Law, 6-A Real Property Law §§ 210-216, enacted on Apr. 20, 2024.

<sup>42</sup>As stated in the introduction of this report, evictions and housing instability pose all manner of disturbances—to personal well-being and to the economy. According to some commentators, the Good Cause Eviction law, while apparently capable of addressing some of the disturbances, may present some unintended negative effects, including potentially discouraging investment in housing and raising costs for all tenants. To minimize the risks of having to evict, landlords may start to screen potential tenants more strictly, meaning tenants with spotty rental records or low or variable incomes might find it harder to find housing in the first place. Also, potential developers may choose to

evictions as tenants challenge non-renewals or withhold increased rent, will make eviction proceedings slower and more expensive.<sup>43</sup>

While these legislative enactments have introduced new paths in summary proceedings that have caused delays in their resolution, there have been no simultaneous budgetary increases for court personnel to handle the increased caseload. This is compounded by the fact that many court personnel permanently left the workforce after the pandemic and have not been replaced.<sup>44</sup>

Even the implementation of the NYSCEF system for summary proceedings during the pandemic has not expedited the processing of filings.<sup>45</sup> Rather, the OCA reports that NYSCEF has exacerbated delays due to the lack of court clerks available to review the electronic filings and assign index numbers.<sup>46</sup>

### **Data: Volume of Cases Overwhelm the System**

These factors, together with the sheer number of summary proceedings filed annually, have created a perfect storm that has inevitably overwhelmed the Housing Court system. The number of summary proceedings filed across the five counties from July 1, 2023 to September 30, 2024 totaled 151,676. Non-payment proceedings significantly outpaced holdover filings in each of the

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build for other uses if the cost of the good cause eviction law is too high, further suppressing housing supply. Ben Hitchcock, *Navigating the Tradeoffs of Good Cause Eviction*, NYU Furman Center, March 10, 2024, <https://furmancenter.org/thestoop/entry/navigating-the-tradeoffs-of-good-cause-eviction> (discussing a Furman Center analysis, Balancing Act: Navigating the Tradeoffs of Good Cause Eviction, [https://furmancenter.org/files/publications/Balancing\\_act.pdf](https://furmancenter.org/files/publications/Balancing_act.pdf)).

<sup>43</sup>The Furman Study, *supra* note 42, predicted that “the requirement [of good cause] could lead some tenants to withhold payment and challenge any nonpayment action that includes rents due from an increase that would be considered unreasonable. . . . [This will in turn] force landlords to document the special financial circumstances that justify an increase above the amount deemed “reasonable.” That likely will lengthen the time eviction proceedings take, which both increases further a landlord’s legal costs (as well as the costs to the government of providing legal assistance to low-income tenants facing eviction, and the costs to the judicial system) and delays the recovery of any eventual judgment.” *Id.* 20-21. “A good cause requirement will be even more likely to increase the costs to the landlord of dealing with a tenant the landlord considers to be problematic for reasons other than (or in addition to) nonpayment.” *Id.* at 22. “[The good cause requirement] likely will add time and expense to holdover proceedings. Proving instances of lease violations, nuisance, or illegal activity will be more difficult than simply showing that the lease has expired or that the tenant doesn’t have a lease. *Id.* at 23. “Even if the landlord is able to establish good cause, the added time the tenant gets to stay in the apartment may increase the amount the landlord will have to try to collect. [footnote omitted] If the landlord can’t collect the judgment, the landlord will suffer additional loss of income for the time the Housing Court process takes.” *Id.* It must be noted, however, that the prospect of these costs may cause owners to avoid eviction filings altogether.

<sup>44</sup>The OCA reports that, subsequent to the pandemic shutdown, court personnel, such as court attorneys, clerks and support staff, has diminished as workforce expectations have changed. Individuals prefer to work remotely, which is not an option for a position in the Housing Court. Source: Virtual meeting with Judge Stoller and OCA staff on November 14, 2024.

<sup>45</sup>NYSCEF is discussed below.

<sup>46</sup>*See supra* note 44.

five counties. In the Bronx alone, between July 2023 and September 2024, there were seven times more non-payment filings than holdovers.<sup>47</sup>

County and Court Name	Classification		Grand Total
	Holdover	Non-Payment	
<b>Bronx</b>	<b>6,844</b>	<b>50,485</b>	<b>57,329</b>
Bronx County Civil Court	6,844	50,485	57,329
<b>Kings</b>	<b>8,135</b>	<b>31,367</b>	<b>39,502</b>
Kings County Civil Court	8,123	31,263	39,386
Redhook Community Justice Center	12	104	116
<b>New York</b>	<b>4,703</b>	<b>23,624</b>	<b>28,327</b>
Harlem Community Justice Center	272	2,156	2,428
New York County Civil Court	4,431	21,468	25,899
<b>Queens</b>	<b>6,962</b>	<b>16,167</b>	<b>23,129</b>
Queens County Civil Court	6,962	16,167	23,129
<b>Richmond</b>	<b>1,231</b>	<b>2,158</b>	<b>3,389</b>
Richmond County Civil Court	1,231	2,158	3,389
<b>Grand Total</b>	<b>27,875</b>	<b>123,801</b>	<b>151,676</b>

There are currently 55 judges in the Housing Court; five new judges were appointed in September 2024.<sup>48</sup> Based on current statistical data, this means that each judge must process in excess of 60 plus cases per day to move the calendars along. Recognizing the impossibility of this task, one court recently resorted to dispensing with live testimony in the direct case, with only cross-examination based on a pre-filed affidavit in court.<sup>49</sup> This staggering number of cases could easily result in the type of “cattle-call justice” the recent legislative changes were designed to eliminate. The volume of slow-moving cases leaves thousands of owners and tenants in a state of uncertainty for months at a time with no end in sight. Presently, the time between the filing of a petition until the parties make their first court appearance may be as long as five months.

<sup>47</sup>Statewide Landlord Tenant Eviction Dashboard, OCA Division of Technology & Court Research, provided as of Oct. 2, 2024,

<https://app.powerbigov.us/view?r=eyJrIjoizGE3NzljYmItYTBMZC00OGI2LTliYTgtYzY5ZjI0N2U0MWYxIiwidCI6IjM0NTZmZTkYLNWZDEtNDA2ZC1iNWZLTUzNjRiZWwYTgzMyJ9>

<sup>48</sup>This increase in judges is certainly a step in the right direction. However, the numbers reflect that more judges and Housing Court personnel is greatly needed to move cases through the system in a fair and rational way.

<sup>49</sup>In *Johnson v. 300 Sullivan Place, LLC*, 219 N.Y.S.3d 852 (Civ. Ct., Kings Co. 2024), Judge Michael L. Weisberg ruled that in that “HP proceeding/action” to enforce the Housing Maintenance Code, the “‘HP part’ does not have the capacity to complete a trial with the ten petitioners while also maintaining a full calendar every day. [footnote omitted] For this reason and other reasons . . . , the court will require that direct examination of the parties shall be submitted in affidavit form rather than with live testimony.” While there are definite time and cost savings to this practice, there are nonetheless areas of concern. Considering that the affidavits will be prepared by counsel, on cross-examination it remains a question whether the unsophisticated *affiant* will be able to answer comfortably and truthfully to all that appears in the affidavit.

County and Court Name	Classification		Non-Payment	
	Holdover			
	Avg Days Between Filing and First Scheduled^ App	Number of Indexes with at Least One* App	Avg Days Between Filing and First Scheduled^ App	Number of Indexes with at Least One* App
<b>Bronx</b>				
Bronx County Civil Court	150	6,837	133	29,791
<b>Kings</b>				
Kings County Civil Court	201	8,031	171	17,837
Redhook Community Justice Center	36	12	68	58
<b>New York</b>				
Harlem Community Justice Center	49	272	68	1,310
New York County Civil Court	29	4,429	51	11,534
<b>Queens</b>				
Queens County Civil Court	64	6,937	100	8,828
<b>Richmond</b>				
Richmond County Civil Court	25	1,231	54	1,470

Even worse is the data relating to the disposition of a proceeding. The average time for disposition may be as long as 15 months.

County and Court Name	Classification		Non-Payment	
	Holdover			
	Avg Days to Disposition	Num of Dispositions	Avg Days to Disposition	Num of Dispositions
<b>Bronx</b>				
Bronx County Civil Court	218	5,102	214	42,373
<b>Kings</b>				
Kings County Civil Court	292	6,031	234	23,513
Redhook Community Justice Center	476	6	333	87
<b>New York</b>				
Harlem Community Justice Center	244	207	206	2,006
New York County Civil Court	255	3,887	180	19,287
<b>Queens</b>				
Queens County Civil Court	239	6,802	213	15,879
<b>Richmond</b>				
Richmond County Civil Court	123	1,228	163	1,884

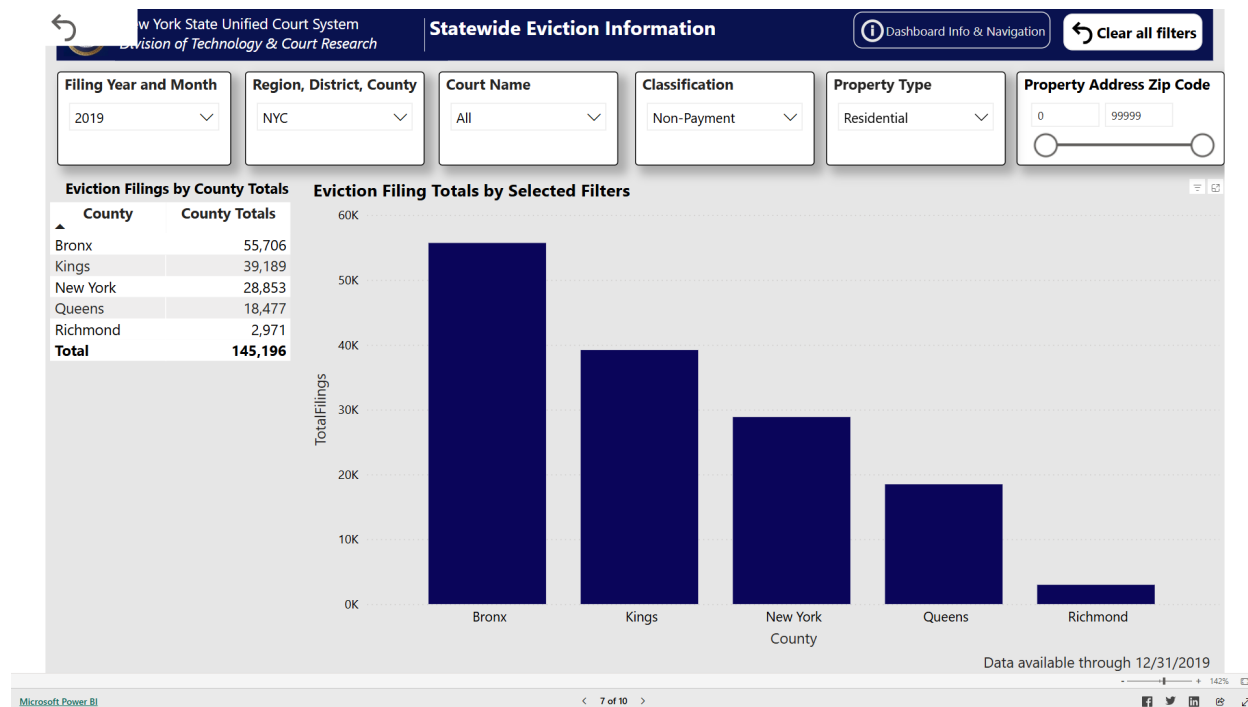
### Lapses in NYSCEF: Cases Before and After; FY 2019 compared with 2024 YTD

NYSCEF aimed to improve the filing process in the Housing Court, by allowing the electronic filing of legal documents to streamline the system and reduce paperwork, thereby improving efficiency in handling cases. It enables attorneys and parties to file papers online, access

case information, and receive notifications about case updates, which can help in managing the high volume of cases in Housing Court.<sup>50</sup>

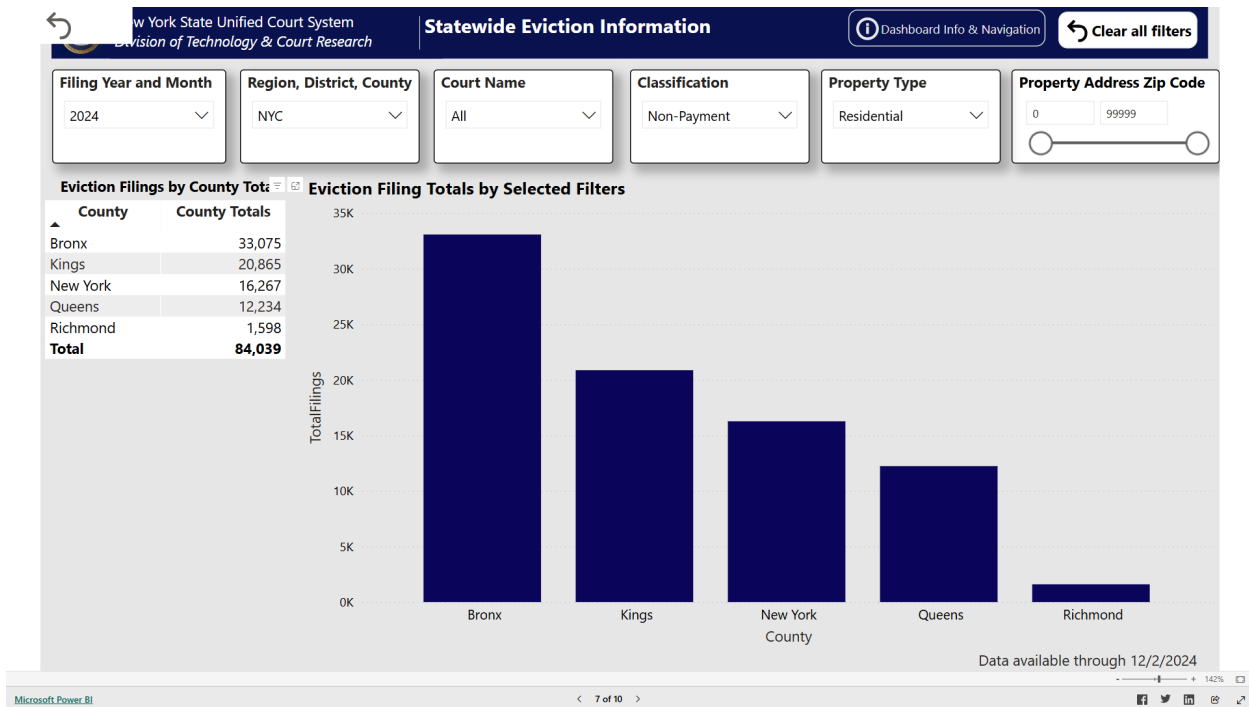
The numbers, however, tell a different tale. Through December 2, 2024, 61,157 fewer nonpayment proceedings were filed citywide than in 2019. Through December 2, 2024, 6,895 fewer holdover proceedings were filed citywide than in 2019. Yet, the number of filings processed has not increased under NYSCEF.

### 2019 Residential Nonpayment Filings Citywide

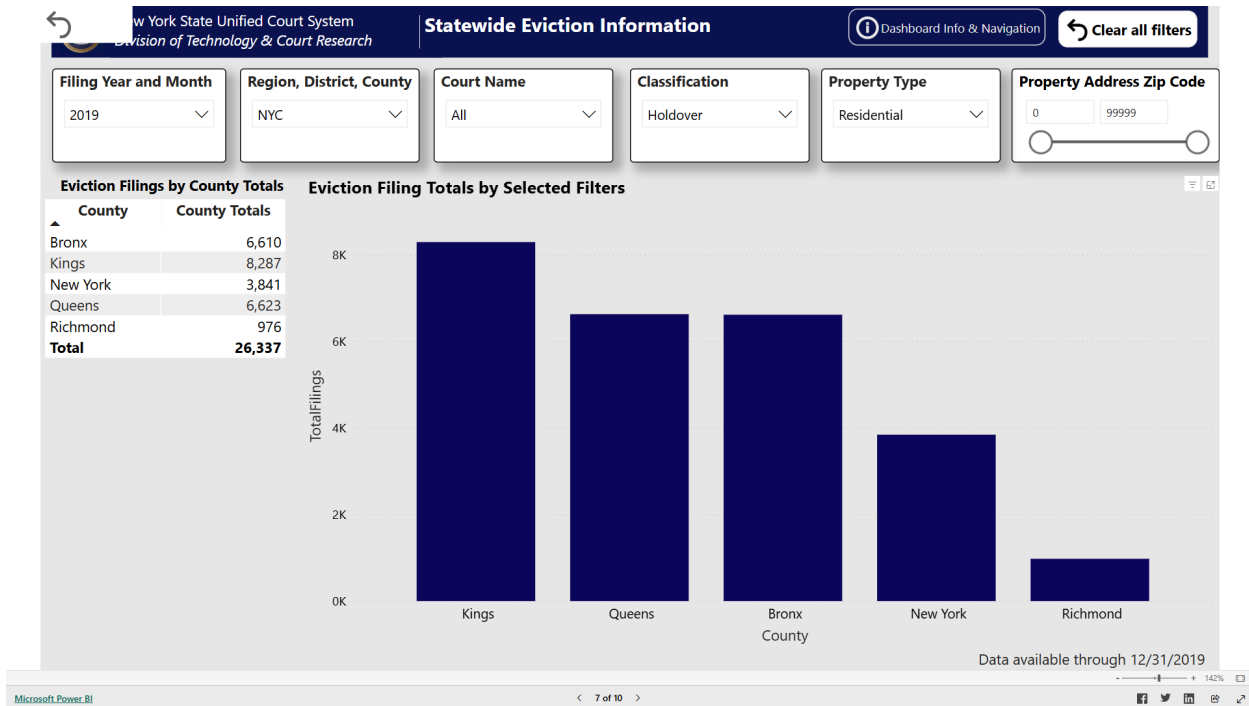


<sup>50</sup> *Statewide Landlord Tenant Eviction Dashboard*, *supra* note 47.

## 2024 Residential Nonpayment Proceedings Citywide

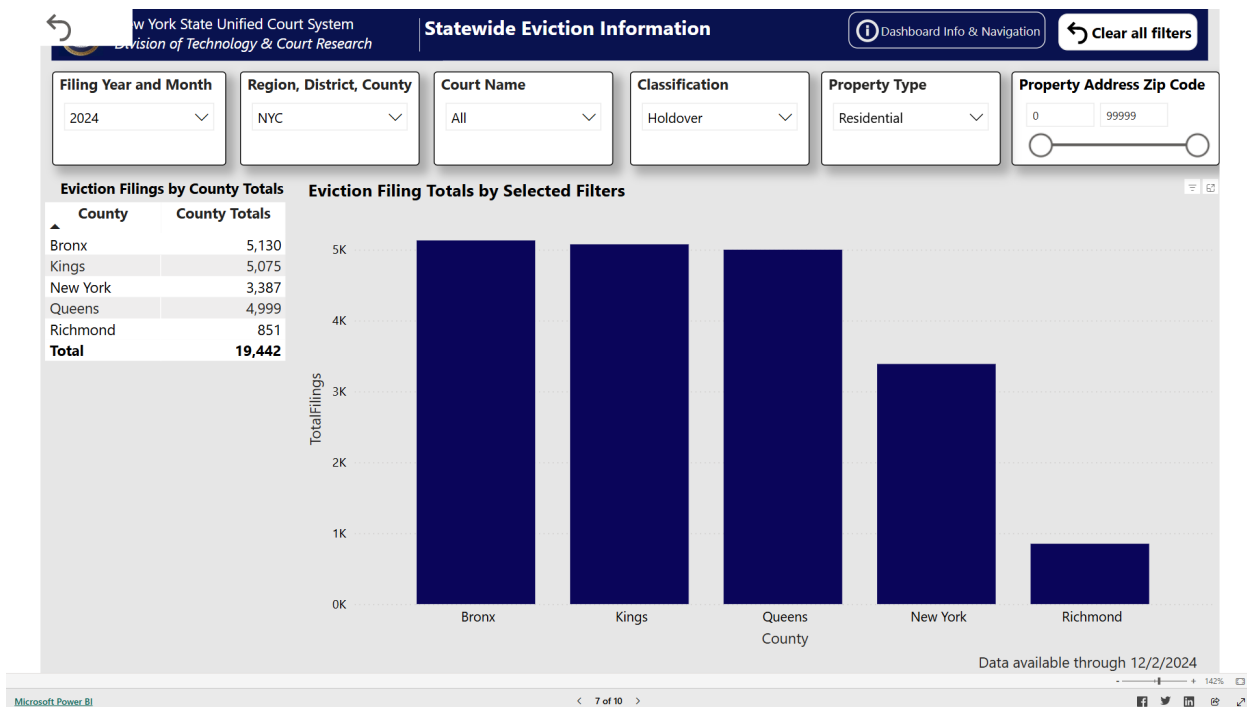


## 2019 Residential Holdover Proceedings Citywide





## 2024 Residential Holdover Proceedings Citywide



At an open meeting of the Kings County Housing Court Bar Association on December 5, 2024, the Citywide Supervising Judge suggested that some of delays in the assignment of index numbers, even with fewer filed cases in 2024, was due to the operation of NYSCEF, in particular on account of:

- The availability of 24/7 filing, outside of normal Housing Court clerk office hours and those overnight filings waiting for review the next business day, creating an increased number of cases requiring review;
- Loss of pre-pandemic court clerk personnel to operate the system; at present, there are 68 open court clerk positions, but there is approval to hire candidates who passed the court clerk exam.

In the pre-NYSCEF era, the in-person clerks could simultaneously *Bates stamp* up to 20 sets of notices of petition and petitions, accept a single check for 20 index numbers, separate the petitions from notices of petition, and return the original notices of petition directly to the filer. Clerks processed a greater volume of filings instantaneously and in real time during normal court clerk working hours. Now under the NYSCEF system, it may take days to weeks for the assignment of index numbers.<sup>51</sup>

<sup>51</sup> The NYSCEF manual provides:

“L . . . An index or claim number is not automatically assigned by the NYSCEF system. Instead, the appropriate staffer will review your filing. If all is in order, your filing will be accepted and an index or claim number will be issued.” \*\*\*

## **VI. Analysis and Recommendations**

The Subcommittee recommends a series of legislative and administrative changes to Housing Court, toward the end of affording all parties due process and expeditious outcomes. Proposed amendments to laws and rules appear as appendices to this report.

### **A. Create a Separate Part for Non-Payment Cases**

The statistics illustrate that the vast majority of summary proceedings are settled by way of a stipulation. There is absolutely no justification for owners or tenants to suffer inordinate delays when it is evident that the parties simply desire to reach a resolution. This is particularly true in non-payment proceedings. In those instances where tenants file answers indicating that they want to pay the accumulated rental arrears, the proceeding should be immediately referred to a separate court and/or mediation part.<sup>52</sup> This would ideally occur within the time-constraints set forth in the RPAPL. This *two-streamed* system will permit expeditious processing of cases and faster resolutions. It would also divert the court's resources to those matters that require additional attention, such as where a tenant requires repairs or there is a dispute as to the amount due and owing.

### **B. Integrate Assignment of Counsel and Human Resources Services at Initial Court Appearance**

The Subcommittee has learned that the current court delays are partially caused by automatic adjournments of the first court date to determine if a tenant qualifies for assigned counsel, as well as an opportunity to speak with a representative of the Human Resources Administration (HRA), to apply for necessary financial assistance, and obtain other ancillary support, such as children's services and mental health treatment.<sup>53</sup> With proper funding and staffing, there is no reason why these alternatives cannot be offered immediately during the first court appearance. Tenants should be afforded an opportunity to speak with counsel, as well as HRA at or before the initial court/mediation date. In fact, this proposition should stand true for all proceedings and not just those ripe for settlement.

Such a system is feasible as shown by practices in the District Court of Hempstead in Nassau County. Nassau/Suffolk Law Services, newly rebranded as Legal Services of Long Island (LSLI), is available in the courthouse on a daily basis with walk-ins welcome. These attorneys are

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"IX . . . The clerk reviewing your document in NYSCEF will reject documents with certain types of defects and will return documents with other types of defects for correction," including that "[a]n e-filed document lacks an index number."

<https://iappscontent.courts.state.ny.us/NYSCEF/live/training/userManual.pdf>.

<sup>52</sup>Mediation, as discussed below, will afford parties a flexible resolution process. An impartial third party would facilitate negotiations to help owners and tenants to enter into mutually acceptable agreements.

<sup>53</sup>HRA is the New York City governmental agency tasked with affording qualifying individuals with rental assistance, among other benefits.

available to screen tenants and undertake immediate representation upon qualification. The availability of counsel at the outset allows for swifter disposition of the proceeding or discussion of issues that warrant a trial or some other remedy. LSLI also has a Community Legal Help Project in which attorneys are available at multiple public libraries every week. Their work expands beyond landlord-tenant issues and their availability, free services, and locations allow for representation that many people may have otherwise been without.

### **C. Expand the Separate Part for Owner-Occupied Buildings With Up to Six Units**

On January 10, 2022, the OCA established the Small Property Part.<sup>54</sup> This part is available in both non-payment and holdover proceedings, to petitioners, not represented by counsel, who are owners of one-, two-, or three-family premises.<sup>55</sup> The rules for the Small Property Part should be amended to cover owner-occupied buildings containing up to six units. Permitting these owners to face possible foreclosure because of delays in the ability to collect rent in the courts designed for that purpose serves no legitimate public interest.<sup>56</sup>

### **D. Create a Separate Part for Allocation of Stipulations**

RPAPL § 746 requires the court to fully describe the terms of the stipulation to a party who is not represented by counsel. OCA has indicated that the allocation requirements have played a part in the cumulative delays occurring in the Housing Court. A separate “allocation part” would facilitate the movement of proceedings more rapidly. The statute does not detail the requirements for allocation, and any practitioner will attest to the fact that each judge undertakes allocation slightly differently than the other. Accepting this as true for the purposes of this report, OCA should formulate basic scripts for the most common types of settlement stipulations to focus the court and the parties on a thorough yet expeditious review. Non-payment stipulations are generally “pro forma” in most instances and do not require any specialized knowledge of a given case or circumstance. Therefore, it is not necessary for the assigned trial judge to handle the allocation. Moreover, in most instances, the court attorney has previously explained the terms of the stipulation in great detail to the unrepresented party. Transferring allocations to a separate “part” will also permit the trial judge to handle more complicated matters requiring additional attention. Should such a part be created, the judge assigned should also be assigned trial ready cases,

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<sup>54</sup>[https://ww2.nycourts.gov/courts/nyc/housing/int\\_smallproperty.shtml](https://ww2.nycourts.gov/courts/nyc/housing/int_smallproperty.shtml). Under DRP-220, LT-10, “[e]ffective January 17, 2022, any matter where the premises involved is located within the five boroughs of New York City, is owned by the petitioner, and is a 1, 2 or 3 family premises is to be assigned, after an appearance in the intake or HMP part for assignment of counsel for respondent, to the Housing Part identified as the “Small Property Part.” Commencement of proceedings must be on prescribed forms.

<https://ww2.nycourts.gov/courts/nyc/housing/forms.shtml>.

<sup>55</sup> *Id.*

<sup>56</sup>It is not just the owners who are impacted by undue delays. Studies reveal that owners of one in four properties admitted to postponing maintenance of some kind. Minor maintenance issues were deferred in 21% of properties, and most maintenance work was postponed in another 4% of properties. See *The Ownership and Management of Small Multifamily Rental Properties New Insights on an Overlooked Part of the Rental Market*, Turner Center for Housing Innovation, Jan. 2024, <https://turnercenter.berkeley.edu/wp-content/uploads/2024/01/Ownership-and-Management-of-Small-Multifamily-Rental-Properties-January-2024-Final.pdf>.

traverses and post eviction/alleged unlawful lockout matters, where a prompt resolution is desirable.<sup>57</sup>

## **E. Establish Eviction Diversion and Mediation Systems**

An eviction diversion program should be made a formal part of Housing Court. Such a program would serve as a mechanism for formalizing and coordinating the array of social, legal, and financial services available and needed by owners and tenants.<sup>58</sup> Eviction prevention and diversion programs exist across more than 50 cities and states.<sup>59</sup> The overarching aim is to divert and resolve a landlord-tenant dispute outside of formal legal proceedings, off the court dockets, by negotiation, mediation, or arbitration.

Most eviction diversion and mediation programs offer financial assistance for rent due, as well as legal representation to ensure compliance with law and the protection of other interests, including avoiding eviction records. Mediation services help to construct settlement agreements, draw up payment plans, and develop remedial steps going forward. They often involve the identification of ancillary needs such as for children's services and health care.<sup>60</sup>

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<sup>57</sup> As an alternative, the OCA should be empowered to appoint "judicial hearing officers" to handle stipulations.

<sup>58</sup> *Initiatives to Address the Eviction Crisis*, Eviction Innovation, <https://evictioninnovation.org>; see also Mark Treskon, et al., *Eviction Prevention and Diversion Programs: Early Lessons from the Pandemic*, Urban Institute: Housing Crisis Research Collaborative, updated May 2021, [https://www.urban.org/sites/default/files/publication/104148/eviction-prevention-and-diversion-programs-early-lessons-from-the-pandemic\\_0\\_0.pdf](https://www.urban.org/sites/default/files/publication/104148/eviction-prevention-and-diversion-programs-early-lessons-from-the-pandemic_0_0.pdf) (2021).

<sup>59</sup> A partial list of such programs appears below.

- In Philadelphia: the [Philadelphia Eviction Prevention Project](#), which also includes other services like a helpline for tenants, training workshops, a legal help website, and connections to legal services. See also the [PHL Eviction Diversion program](#).
- Las Vegas [Eviction Diversion Program](#)
- Indianapolis [Eviction Diversion Program](#) in Lawrence Township Small Claims Court, Marion County
- Texas Judicial Branch [eviction diversion program](#) (TEDP)
- In Kalamazoo: the [8th District Court Eviction Diversion Program](#)
- In Grand Rapids: the [Eviction Prevention Program pilot](#) in the 61st District Court
- In Massachusetts, the [HomeStart Eviction Prevention program](#)
- In Phoenix: the Arizona Department of Housing's [Eviction Prevention Assistance](#), along with an article about [its roll-out](#)
- In Connecticut: the [Eviction and Foreclosure Prevention Program](#)
- In Cook County: [Early Resolution Program](#) as part of Legal Aid for Housing and Debt
- In Jacksonville, FL: the [Emergency Assistance Program](#) from the city's Social Service Division.

See generally [Court Initiatives on Eviction Prevention – Eviction Innovation](#).

<sup>60</sup> See Treskon, *supra* note 58 (describing the key themes for a fair and effective eviction scheme as the need to address matters holistically, including both rental and other forms of financial assistance). New York City has a variety of services designed to prevent homelessness and offer financial counseling, including: *Solutions to End Homelessness Program* (STEHP), NY-501 Coordinated Entry Policy and Procedure Manual (2019) (helping people obtain or remain in permanent housing while offering support to those experiencing homelessness and eviction by hiring full-time case managers, teaching budgeting, promoting healthy lifestyles, and providing housing assistance); *Homebase*, Dep't of Soc. Servs., <https://www.nyc.gov/site/hra/help/homebase> (providing homelessness prevention services, including access to resources to prevent eviction, obtain public benefits, access emergency rental assistance, help with education, job placement, relocation, as well as financial counseling, money management, and short-term financial assistance);

The programs can be either court-led (such as by specially appointed court officers, judges or magistrates) or court-adjacent (run by nonprofit organizations, such as legal services). Some programs have income eligibility requirements. Some are mandatory,<sup>61</sup> others voluntary.<sup>62</sup>

These programs have been shown to be efficacious in preventing homelessness, reducing court dockets, and avoiding the economic and personal losses from unpaid rent and poor housing conditions.<sup>63</sup> For example, after the Syracuse Housing Authority partnered with two community organizations to offer pre-filing support services, there was a 75% reduction in eviction filings between 2017 and 2018, alleviating crowded rent court dockets, while at the same time ensuring housing stability and preventing homelessness.<sup>64</sup>

Eviction diversion can be accomplished either administratively, by an order of the OCA that parties undergo mediation before a case can proceed on the court calendar, or legislatively—the RPAPL can be amended to require mediation before an action to recover possession can be lodged. The National Center for State Courts has developed a guide for courts and community partners to develop Civil Diversion programs, which covers eviction diversion programs, among

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*Ready to Rent*, N.Y.C. Dep’t of Hous. Pres. & Dev. of Soc. Servs., <https://www.nyc.gov/site/hpd/services-and-information/ready-to-rent> (helping persons to apply for affordable housing through free one-on-one financial counseling and assistance with affordable housing applications); *The Bridge Fund*, The Bridge Fund of New York Inc., How The Bridge Fund Works, VIMEO (2016), <https://vimeo.com/174689966> (connecting social service agencies, religious organizations, legal service providers, community groups, and unions with clients in need of services and providing interest-free loans of up to \$2,500). See generally Neil Steinkamp, *Maximizing Housing Stability and Minimizing Evictions: Evidence-Based Models That Keep Tenants in Their Homes and Out of the Courts*, 51 Fordham Urb. L.J. 1385 (2024).

<sup>61</sup> *Philadelphia Eviction Prevention Project*, Philly Tenant, <https://phillytenant.org/pepp/> (requiring landlords to attempt mediation before eviction if a tenant owes less than \$3,000 in back rent. Landlords are able to use the court system if they are unable to come to an agreement or if tenants do not attend mediation. Since late 2020, over 4,000 renters have negotiated settlements to remain in their homes because of the program. See also Emily Dowdall & Ira Goldstein, *Eviction Diversion In Philadelphia: Evaluation Of Efforts To Reduce Eviction Filings In Two Program Phases*, Reinvestment Fund (2023), <https://www.reinvestment.com/insights/eviction-diversion-in-philadelphia-evaluation-of-efforts-to-reduce-eviction-filings-in-two-program-phases/>.

<sup>62</sup> See e.g., Mychal Cohen & Eleanor Noble, *Preventing Eviction Filings: Piloting a Pre-filing Eviction-Prevention Clinic*, Urban Institute, May 27, 2020, <https://www.urban.org/research/publication/preventing-eviction-filings-piloting-pre-filing-eviction-prevention-clinic>. This report covers the case of the St. Paul, Minnesota housing court, that implemented the Ramsey County Pre-Filing Eviction Clinic. It focuses on preventing eviction filings by getting mediation, housing funds, and legal services to tenants and landlords before they file a lawsuit.

<sup>63</sup> One study reported that, in 2023, over 13,500 people facing eviction were able to sidestep court entirely and access the Eviction Resolution Pilot Program in Clark County, Washington, as a preventative measure.

<https://www.resolutionwa.org/erpp>. Of the cases mediated, 77% ended in agreement, usually within a month’s time. Alexis Weisend, *As Mediation Programs for Tenants and Landlords Ends, Evictions Surge in Clark County*, The Columbian, Sept. 30, 2023, <https://www.columbian.com/news/2023/sep/30/as-mediation-program-for-tenants-and-landlords-ends-evictions-surge-in-clark-county/>. See also Margaret Huang, *The Future of Eviction Diversion Programs*, Amer. Bar Assoc. April 2024, [https://www.americanbar.org/groups/dispute\\_resolution/resources/magazine/2024-april/future-of-eviction-diversion-programs/](https://www.americanbar.org/groups/dispute_resolution/resources/magazine/2024-april/future-of-eviction-diversion-programs/). (discussing New Hampshire’s Eviction Diversion Program).

<sup>64</sup> *Bringing Stability to Renters in Syracuse: Reducing Evictions*, Innovate Syracuse, Apr. 17, 2019, <https://www.innovatesyracuse.com/blog/housingstability2>; *Eviction Prevention in Syracuse, NY*, Eviction Innovation, Jan. 26, 2020, <https://evictioninnovation.org/2020/01/26/prevention-syracuse> (further observing that the Syracuse Housing Authority program saved approximately \$167,500 in eviction-related costs).

others.<sup>65</sup> A June 2021 report from Harvard Law School and the American Bar Association, [“Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or Diversion Programs,”](#) offers a summary of best practices for “designing new programs with multi-sectoral coalitions; combining assistance, services, mediation, and legal representation; doing early and preventative outreach for the services; and centering its users (tenants and landlords) throughout the process.”<sup>66</sup>

An eviction diversion and mediation program can be aided by the use of technology—to improve communications with owners (by facilitating online reporting of housing conditions) and to participate in court cases (by providing instructions on the steps in the case, options, including the availability of diversion and mediation, and other financial, social, and legal resources).<sup>67</sup>

#### **F. Additional Funding for Court Personnel, Access to Counsel, and HRA Services**

These measures are essential to the processing and handling proceedings fairly and efficiently. In the first place, the budgetary appropriation must be increased so that the courts are fully staffed, with an adequate number of judges, court attorneys, and clerks to handle the influx of cases in the Housing Court. The Subcommittee is encouraged by the recent increases approved for funding and staffing of the Housing Court that would lend itself towards optimal operation. The New York City Bar Association Council on Judicial Administration advocated for a 7.2% budgetary increase for additional personnel and professional services provider costs that was approved in 2024.<sup>68</sup> This included the addition of the five new housing court judges referenced above. The Council also recognized that the caseload data suggests a need to increase New York City Civil Court resources and to boost funding for the Housing Court to hire and train necessary non-judicial personnel. These increases are a necessity to correct the deficiencies that currently exist.

The NYSCEF system is a case in point. As stated above, our investigation has revealed that staffing is an issue; clerks are not available to assign index numbers, resulting in the initial delay of the proceeding. Without an index number, service cannot be effectuated and the proceeding cannot be officially commenced. Key personnel must be in place who are properly trained to efficiently use and employ the e-filing system.

Along with more funds for court operations, the tenant counsel program is in dire need of greater funding. Despite the promised impact, the Universal Access to Counsel Program is floundering, the services providers overwhelmed. A recent *Curbed* article paints a most distressing picture of the program’s work:

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<sup>65</sup> [Introduction to Civil Diversion in courts – Eviction Innovation; Webinar: Introduction to Civil Diversion on Vimeo.](#)

<sup>66</sup> Deanna Pantin Parrish, *Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or Diversion Programs*, Harvard L. Sch., June 22, 2021, [https://ssrn.com/abstract=4912986.](https://ssrn.com/abstract=4912986)

<sup>67</sup> *Technology to Prevent Evictions*, Eviction Innovation, [https://evictioninnovation.org/innovations/tech.](https://evictioninnovation.org/innovations/tech)

<sup>68</sup> *Support for Legislation that Will Help Ensure Adequate Judicial Resources in New York State Courts*, N.Y.C. Bar, Nov. 18, 2024, [https://www.nycbar.org/reports/ensure-adequate-judicial-resources-in-nys-courts-do-the-math.](https://www.nycbar.org/reports/ensure-adequate-judicial-resources-in-nys-courts-do-the-math)



Real Time Crazy. Real Total Chaos. Evictions, holdovers, nonpayments, repairs, harassment, and nuisances all processed at the same time. Court attorneys were trying to find Bengali, French, Spanish, and Mandarin translators. Legal-services providers, who give free counsel to any eligible clients who qualify (almost 70 percent of tenants who appear in housing court do), were scrambling to catch up on cases they had been assigned the day before. In addition to the dozens of ongoing lawsuits on the schedule for the day, around 60 new eviction cases had been put on the calendar. . . . Three days earlier, Legal Aid and another Queens provider, the New York Legal Assistance Group (NYLAG), had announced that they could not take on any new clients for the month of April, because their caseloads were already so challenging. A third group, Legal Services NYC, was limiting its intake to 60 cases. . . . By taking a break for an entire month, the organizations are attempting to catch up on the cases they already have, but it means that tenants already scheduled to appear in court will continue on without a lawyer. Over a ten-day period in April at the Queens courthouse, that amounted to 318 respondents. . . . [Since the] Right to Counsel law [RTC] [passed] in 2017 . . . [e]viction filings have declined 30 percent . . . and 84 percent of tenants represented by RTC lawyers are able to stay in their homes. . . . Now it is up against a reported 200,000 eviction lawsuits filed in New York City in the last two years – a backlog that was unleashed when the state’s eviction moratorium was lifted on January 15. An additional 13,000 lawsuits were filed in February and March. But this number isn’t yet back up to pre-pandemic filing levels, according to the NYU Furman Center, which tracks evictions. (Court administrators note that 36,000 eviction cases had been filed in the first three months of 2019 alone.) . . . The way RTC is set up and funded in practice doesn’t add up . . . that providers have estimated that they have been contracted to represent clients in approximately 42,000 cases in 2022; if eviction filings continue at their current monthly rate, there will likely be twice that number of cases to handle – in addition to the 200,000-case pileup. And now . . . vacancies of around 20 percent citywide among staff attorneys for housing. There has been “a lot of staff departure” . . . Some attorneys burned out during the worst of the pandemic. . . . Frequently changing laws and measures – like the eviction moratorium and New York’s Emergency Rental Assistance Program procedures – have made the work even more complicated. . . . On Monday, April 18, [2022] two weeks after the Legal Aid Society’s declaration in Queens, it told court administrators it was unable to take on 130 cases in Manhattan and 100 in Brooklyn this month; Legal Services NYC said it couldn’t take any more cases in Brooklyn. . . .<sup>69</sup>

The portrait of a faltering program is backed up by assessment by the NYC Eviction Crisis Monitor, which reports that, since 2022, more than half of all tenants facing eviction who have appeared in court since the moratorium ended were without counsel.<sup>70</sup> That number in turn is

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<sup>69</sup> Bridget Read, *Bridget Read, Housing Court Is Breaking*, Curbed, Apr. 25, 2022, <https://www.curbed.com/2022/04/pandemic-evictions-legal-aid-queens.html>.

<sup>70</sup> The Right to Counsel Coalition reports that since 2022, of the total 124,357 eviction cases filed, only 51,011 had tenant representation. <https://www.righttocounselnyc.org/nycrcrisismonitor>.

largely consistent with that of the Office of Civil Justice (OCJ), reporting that in 2023, OCJ’s legal provider partners provided full legal representation in 53% of the Housing Court eviction proceedings.<sup>71</sup> The critical role that legal representation plays in eviction proceedings cannot be overestimated. “[W]hen OCJ’s provider partners have represented tenants in court, they have reported successful outcomes. In those Housing Court eviction and NYCHA termination cases with reported resolutions in FY2023, 84% of households represented in court by lawyers were able to remain in their homes, preserving tenancies and promoting the preservation of affordable housing and neighborhood stability.”<sup>72</sup> These reports make evident that greater fiscal support is perhaps the most critical element for the program to achieve its intended purposes.

Not only is it imperative that the ranks of counsel be improved, for the best results in processing the proceedings, counsel must be available and appointed at the earliest possible point. The New York University Furman Center having studied the Universal Access to Counsel law, comments that:

[i]f a tenant’s first meeting with assigned counsel is at the courthouse on the date of the tenant’s first court appearance, the attorney generally will not be able to review the history of the landlord-tenant relationship or access building records and other documents relevant to the tenant’s case. The case therefore may need to be adjourned to allow for a thorough investigation. . . . Assigning counsel at the earliest possible time will help tenants, the court, and counsel for both sides” resulting in “fewer adjournments, for example, and may mean that appropriate answers and motions are filed earlier in the proceedings. . . .”<sup>73</sup>

The system with the greatest promise of successfully ensuring positive outcomes for both owners and tenants is one that takes a holistic approach—by adequately funding and integrating HRA services into the proceedings at the earliest points so that tenants’ financial and related needs can be met as might divert the matter from the court.<sup>74</sup>

## **G. Additional Housing Court Physical Space**

With the addition of new judges and court attorneys, clerks, interpreters,<sup>75</sup> and other essential personnel, it stands to reason that courthouse space will be necessary to accommodate

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<sup>71</sup> *Universal Access to Legal Services: A Report on Year Six of Implementation*, New York City Dep’t of Soc. Svcs., at 16, [https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2023.pdf](https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2023.pdf).

<sup>72</sup> *Id.* at 10.

<sup>73</sup> Been et al., *N.Y.U., Furman Center, Implementing New York City’s Universal Access to Counsel Program: Lessons for Other Jurisdictions* (2018) *supra* note 37, at 13.

<sup>74</sup> Kings County was at the forefront of addressing deficiencies in the Housing Court system with its PILOT Program, in which HRA co-located homelessness prevention services in the courthouse to further assist individuals in active eviction proceedings at their first appearances. See *Universal Access to Legal Services*, *supra* note 71. The Program, however, underperformed for a variety of reasons. Among other things, staff shortages were the primary culprits. *Id.* at 7.

<sup>75</sup> The data from OCA indicates that interpreters were most frequently requested for Spanish-, Mandarin-, French-, and Russian-speaking tenants. The second-most frequent languages used are Polish, Arabic, Cantonese, Haitian Creole, Korean, and Portuguese. Only the Bronx has interpreters dedicated solely to the Housing Court, employing seven interpreters. Source: FOIL request to OCA.



these personnel changes, as well as the influx of litigants present in Housing Court. The Housing Court only serves its purpose if adequate space is available for the efficient operations of the court. Overcrowded courtrooms and hallways increase tensions and frustrations irrespective of the efforts of court personnel and legal services.<sup>76</sup> Well-appointed rooms and spaces must be available for an environment more conducive to relaxed and productive exchanges among counsel, the court attorneys, and HRA.

## **VII. Conclusion**

These extraordinary lapses in the prosecution of eviction proceedings run counter to the spirit of the “summary proceeding” and are equally detrimental to owners and tenants. Owners who rely on monthly rental revenue to meet expenses and property maintenance costs cannot afford to wait months while an unpaid balance accumulates during the course of a lengthy non-payment proceeding. Similarly, tenants who have accumulated rental arrears cannot afford to have their rental balance increase for months at a time while living with the fear that they may lose their home without rental assistance. Oftentimes, these same tenants are withholding rent because of necessary repairs that remain outstanding pending a court appearance. The need for change is evident. Owners, tenants, and the Housing Court deserve a system that works swiftly, efficiently, and is funded sufficiently to provide access to counsel, rental assistance, and resolutions in a timeframe that is expeditious—a few short weeks, rather than several months or in excess of a year.

The data obtained and reviewed by the Subcommittee evidences a system that is in dire need of repair. This is confirmed by the tales of Housing Court delays conveyed by private practitioners, legal services personnel, and representatives from OCA. Lengthy delays, accumulating arrears, and needed services that cause frustration should be the exception rather than the expectation in the Housing Court. With some statutory and procedural changes and strong fiscal support, the Housing Court can become a leading example for a just and efficient adjudication of summary proceedings in the country.

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<sup>76</sup> Furman Study, *supra* note 42 at 17 (discussing inadequate physical spaces as hampering effectiveness of right to counsel).

**Appendix A**  
**Proposed Amendments to**  
**Real Property Actions & Proceedings Law**

Proposed new text appears in **GREEN**.

**§711**

**Grounds where landlord-tenant relationship exists**

A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for thirty consecutive days or longer. A tenant shall not include a squatter. For the purposes of this section, a squatter is a person who enters onto or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner's agent or a person entitled to possession. In the event of a conflict between the provisions regarding squatters of this section and the provisions of subdivision three of section seven hundred thirteen of this article, the provisions of § 713 (Grounds where no landlord-tenant relationship exists) shall be controlling. No tenant or lawful occupant of a dwelling or housing accommodation shall be removed from possession except in a special proceeding. A special proceeding may be maintained under this article upon the following grounds:

**1.**

The tenant continues in possession of any portion of the premises after the expiration of his term, without the permission of the landlord or, in a case where a new lessee is entitled to possession, without the permission of the new lessee. Acceptance of rent after commencement of the special proceeding upon this ground shall not terminate such proceeding nor effect any award of possession to the landlord or to the new lessee, as the case may be. A proceeding seeking to recover possession of real property by reason of the termination of the term fixed in the lease pursuant to a provision contained therein giving the landlord the right to terminate the time fixed for occupancy under such agreement if he deem the tenant objectionable, shall not be maintainable unless the landlord shall by competent evidence establish to the satisfaction of the court that the tenant is objectionable. \* 2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon him as prescribed in § 735 (Manner of service), **provided that no action shall be commenced under this section, until the Housing Court Mediator shall have certified that the landlord and tenant having acted in good faith have failed to reach an agreement on the payment of rent pursuant to the Housing Court Mediation Program, §769, except as otherwise excluded therefrom.** Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due his predecessor in interest if he has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the

occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants. \* NB Effective until August 18, 2024 \* 2. The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon the tenant as prescribed in [§ 735 \(Manner of service\)](#). The fourteen-day notice shall append or contain the notice required pursuant to [Real Property Law § 231-C \(Good cause eviction law notice\)](#), which shall state the following:

(i)

if the premises are or are not subject to article six-A of the real property law, the “good cause eviction law”, and if the premises are exempt, such notice shall state why the premises are exempt from such law;

(ii)

if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and

(iii)

if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of [Real Property Law § 211 \(Definitions\)](#), the justification for such increase. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due such person's predecessor in interest if such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants. \* NB Effective August 18, 2024 until June 15, 2034 \*

2.

The tenant has defaulted in the payment of rent, pursuant to the agreement under which the premises are held, and a written demand of the rent has been made with at least fourteen days' notice requiring, in the alternative, the payment of the rent, or the possession of the premises, has been served upon the tenant as prescribed in [§ 735 \(Manner of service\)](#). The fourteen-day notice shall append or contain the notice required pursuant to [Real Property Law § 231-C \(Good cause eviction law notice\)](#), which shall state the following:

(i)

if the premises are or are not subject to article six-A of the real property law, the “good cause eviction law”, and if the premises are exempt, such notice shall state why the premises are exempt from such law;

(ii)

if the landlord is not renewing the lease for a unit subject to article six-A of the real property law, the lawful basis for such non-renewal; and

(iii)

if the landlord is increasing the rent upon an existing lease of a unit subject to article six-A of the real property law above the applicable local rent standard, as defined in subdivision eight of [Real Property Law § 211 \(Definitions\)](#), the justification for such increase. Any person succeeding to the landlord's interest in the premises may proceed under this subdivision for rent due such person's predecessor in interest if such person has a right thereto. Where a tenant dies during the term of the lease and rent due has not been paid and the apartment is occupied by a person with a claim to possession, a proceeding may be commenced naming the occupants of the apartment seeking a possessory judgment only as against the estate. Entry of such a judgment shall be without prejudice to the possessory claims of the occupants, and any warrant issued shall not be effective as against the occupants. \* NB Effective June 15, 2034

3.

The tenant, in a city defaults in the payment, for sixty days after the same shall be payable, of any taxes or assessments levied on the premises which he has agreed in writing to pay pursuant to the agreement under which the premises are held, and a demand for payment has been made, or at least three days' notice in writing, requiring in the alternative the payment thereof and of any interest and penalty thereon, or the possession of the premises, has been served upon him, as prescribed in section 735. An acceptance of any rent shall not be construed as a waiver of the agreement to pay taxes or assessments.

4.

The tenant, under a lease for a term of three years or less, has during the term taken the benefit of an insolvency statute or has been adjudicated a bankrupt.

5.

The premises, or any part thereof, are used or occupied as a bawdy-house, or house or place of assignation for lewd persons, or for purposes of prostitution, or for any illegal trade or manufacture, or other illegal business.

6.

The tenant, in a city having a population of one million or more, removes the batteries or otherwise disconnects or makes inoperable an installed smoke or fire detector which the tenant has not requested be moved from its location so as not to interfere with the reasonable use of kitchen facilities provided that the court, upon complaint thereof, has previously issued an order of violation of the provisions heretofore stated and, subsequent to the thirtieth day after service of such order upon the tenant, an official inspection report by the appropriate department of housing preservation and development is presented, in writing, indicating non-compliance herewith;

provided further, that the tenant shall have the additional ten day period to cure such violation in accordance with the provisions of subdivision four of § 753 (Stay in premises occupied for dwelling purposes).

**Proposed Amendments to**  
**Real Property Actions & Proceedings Law Section 732**  
**Special provisions applicable in non-payment proceeding if the rules so provide**

Proposed new text appears in **Green**

If the appropriate appellate division shall so provide in the rules of a particular court, this section shall be applicable in such court in a proceeding brought on the ground that the respondent has defaulted in the payment of rent; in such event, all other provisions of this article shall remain applicable in such proceeding, except to the extent inconsistent with the provisions of this section.

**1.** No proceeding shall be commenced until the Housing Court Mediator shall have certified that landlord and tenant having acted in good faith, have failed to reach agreement on the payment of rent, pursuant to the Housing Court Mediation Program, §769, except as otherwise excluded therefrom.

~~1.2.~~ Where an action is allowed, the notice of petition shall be returnable before the clerk, and shall be made returnable within ten days after its service.

~~2.3.~~

If the respondent answers, the clerk shall fix a date for trial or hearing not less than three nor more than eight days after joinder of issue, and shall immediately notify by mail the parties or their attorneys of such date. If the determination be for the petitioner, the issuance of a warrant shall not be stayed for more than five days from such determination, except as provided in § 753 (Stay in premises occupied for dwelling purposes).

~~3.4.~~

If the respondent fails to answer within ten days from the date of service, as shown by the affidavit or certificate of service of the notice of petition and petition, the judge shall render judgment in favor of the petitioner and may stay the issuance of the warrant for a period of not to exceed ten days from the date of service, except as provided in § 753 (Stay in premises occupied for dwelling purposes).

~~4.5~~

The notice of petition shall advise the respondent of the requirements of subdivisions ~~1.2~~, **2.3** and ~~3.4~~, above.

## **Appendix B**

### **Proposed amendments to Real Property Actions & Proceedings Law §769**

**\*NEW\***

#### **New York City Housing Court Eviction Prevention, Diversion and Mediation Program**

The Real Property Actions & Proceedings Law shall be amended to include new §769

1. **Authorization and Program Structure.** The Office of Court Administration (“OCA”) is authorized to operate a pre-filing residential eviction diversion program to facilitate dispute resolution between landlords and tenants and/or acquisition of rental assistance, if available. Landlords shall enroll in the eviction diversion program by completing an application or in such other manner as directed by the OCA.
2. **Mandatory Participation.** No landlord shall have a lawful basis to evict a tenant unless the landlord has complied with the following requirements:
  - (a) The landlord has enrolled with the eviction diversion program consistent with subsection (1), and provided a notice of diversion rights to the tenant consistent with subsection (5); and
  - (b) The landlord participates in the eviction diversion program in reasonable good faith, as defined by the OCA, for no less than thirty (30) days.
3. **Exceptions.** Subsection (2) shall not apply if eviction is necessary to cease or prevent a threat to the comfort, safety, health and peaceful enjoyment of the premises by others and/or an imminent threat of harm by the person being evicted, including physical harm or harassment.
4. **Lawful Basis to Evict Required.** Except as specifically authorized in this Section 769, no landlord shall take any step to evict a tenant or otherwise in furtherance of recovering possession of a residential property occupied by a tenant unless such landlord has a lawful basis to evict the tenant at the time such step is taken.
5. **Notice, Forms, and Regulation.**
  - (a) **Required Notice.** The notice a landlord is required to provide a tenant under this Section 769 shall be provided in writing, by hand delivery or mail with proof of mailing, and must provide notice of the tenant’s right to engage in diversion under this Section 769, as well as clear information on how the tenant may exercise such rights, including such specific text or such other language that may be included in a form created by the OCA pursuant to subsection (5)(b), “Forms and Regulations” (below).
  - (b) **Forms and Regulations.** The OCA is authorized to appoint court personnel or non-profit agencies to conduct the program. It shall issue regulations implementing and interpreting this Section 769 and is authorized to create forms to be used by landlords and tenants under this Section 769, including, but not limited to, a form of required notice. The OCA shall work with the appropriate stakeholders to

develop and further enhance the diversion program, including ensuring periodic independent evaluation of the program.

6. Defenses. The failure of a landlord to comply with any obligation under this Section 769 may be asserted as a defense by a tenant in an action before any adjudicatory body; may, in the court's discretion, be a basis for *sua sponte* dismissal of an action; and may not be waived.



## Appendix C

### Proposed Amendments to Civil City Court Act §110: Non-payment; Allocutions; and Small Property Owners Parts

Additions appear in **Green**. Moved and renumbered text appears in **Red**.

(a) A part of the court shall be devoted to actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards, including, but not limited to, the multiple dwelling law and the housing maintenance code, building code and health code of the administrative code of the city of New York, as follows:

(1) Actions for the imposition and collection of civil penalties for the violation of such laws.

(2) Actions for the collection of costs, expenses and disbursements incurred by the city of New York in the elimination or correction of a nuisance or other violation of such laws, or in the removal or demolition of any dwelling pursuant to such laws.

(3) Actions and proceedings for the establishment, enforcement or foreclosure of liens upon real property and upon the rents therefrom for civil penalties, or for costs, expenses and disbursements incurred by the city of New York in the elimination or correction of a nuisance or other violation of such laws.

(4) Proceedings for the issuance of injunctions and restraining orders or other orders for the enforcement of housing standards under such laws.

(5) Proceedings for the appointment of a receiver of rents, issues and profits of buildings in order to remove or remedy a nuisance or to make repairs required to be made under such laws.

(6) Actions and proceedings for the removal of housing violations recorded pursuant to such laws, or for the imposition of such violation or for the stay of any penalty thereunder.

(7) Special proceedings to vest title in the city of New York to abandoned multiple dwellings.

(8) The city department charged with enforcing the multiple dwelling law, housing maintenance code, and other state and local laws applicable to the enforcement of proper housing standards may commence any action or proceeding described in paragraphs one, two, three, four, six and seven of this subdivision by an order to show cause, returnable within five days, or within any other time period in the discretion of the court. Upon the signing of such order, the clerk of the housing part shall issue an index number.

(ab) A part of the court (“Non-Payment”) shall be devoted to ~~A~~actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings to

recover possession of residential premises to remove tenants therefrom, and to render judgment for rent due, ~~except for including without limitation~~ those cases in which a tenant alleges a defense under section seven hundred fifty-five of the real property actions and proceedings law, relating to stay or proceedings or action for rent upon failure to make repairs, section three hundred two-a of the multiple dwelling law, relating to the abatement of rent in case of certain violations of section D26-41.21 of such housing maintenance code.

(c) A part of the court (“Holdover”) shall be devoted to actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings, not described in or excluded from subdivision (b) hereof, to recover possession of residential premises and to remove tenants therefrom.

(d) A part of the court (“Allocutions”) shall be devoted to actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings for the allocation of settlement agreements and stipulations entered into and/or taken in proceedings described in subsection subdivisions (b) and (c), hereof.

(e) A part of the court “Small Property”) shall be devoted to actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings to recover possession or rent due in residential Owner-Occupied Buildings having up to six (6) units and for actions between roommates.

~~(b)~~ (f) On the application of any city department, any party, or on its own motion, the housing part of the civil court shall, unless good cause is shown to the contrary, consolidate all actions and proceedings pending in such part as to any building.

~~(e)~~ (g) Regardless of the relief originally sought by a party the court may recommend or employ any remedy, program, procedure or sanction authorized by law for the enforcement of housing standards, if it believes they will be more effective to accomplish compliance or to protect and promote the public interest; provided in the event any such proposed remedy, program or procedure entails the expenditure of monies appropriated by the city, other than for the utilization and deployment of personnel and services incidental thereto, the court shall give notice of such proposed remedy, program or procedure to the city department charged with the enforcement of local laws relating to housing maintenance and shall not employ such proposed remedy, program or procedure, as the case may be, if such department shall advise the court in writing within the time fixed by the court, which shall not be less than fifteen days after such notice has been given, of the reasons such order should not be issued, which advice shall become part of the record. The court may retain continuing jurisdiction of any action or proceeding relating to a building until all violations of law have been removed.

~~(d)~~ (h) In any of the actions or proceedings specified in subdivision (a) of this section and on the application of any party, any city department or the court, on its own motion, may join any other person or city department as a party in order to effectuate proper housing maintenance standards and to promote the public interest. In addition to any other application of its powers under this subdivision, the court may, on the application of any party or on its own motion, join as a party the department of social services of the city of New York in any action or proceeding in which the

payment or non-payment of rent by a recipient of or applicant for public assistance pursuant to the social services law is at issue, and the court may join as a party the division of adult protective services of the city of New York in any such action or proceeding, where appropriate.

(~~e~~i) Actions and proceedings before the housing part shall be tried before civil court judges, acting civil court judges, or housing judges. Housing judges shall be appointed pursuant to subdivision (f) of this section and shall be duly constituted judicial officers, empowered to hear, determine and grant any relief within the powers of the housing part in any action or proceeding except those to be tried by jury. Such housing judges shall have the power of judges of the court to punish for contempt. Rules of evidence shall be applicable in actions and proceedings before the housing part. The determination of a housing judge shall be final and shall be entered and may be appealed in the same manner as a judgment of the court; provided that the assignment of actions and proceedings to housing judges, the conduct of the trial and the contents and filing of a housing judge's decision, and all matters incidental to the operation of the housing part, shall be in accordance with rules jointly promulgated by the first and second departments of the appellate division for such part.

(~~f~~j) The housing judges shall be appointed by the administrative judge from a list of persons selected annually as qualified by training, interest, experience, judicial temperament, ability to handle a caseload involving self-represented litigants and knowledge of federal, state and local housing laws and programs by the advisory council for the housing part. The list of persons who have been approved by such advisory council, whether or not appointed to such judicial position, shall be deemed public information and be published in the city record immediately after such list is submitted to the administrative judge. The annual salary of a housing judge shall be one hundred fifteen thousand four hundred dollars.

(~~g~~k) The advisory council for the housing part shall be composed of three members representative of real estate owners or lessors, including the chair of the New York city housing authority; three members representative of tenants' organizations; and two members representative of each of the following: civic groups, bar associations and the public at large. Such members shall be appointed by the administrative judge, with the approval of the presiding justices of the first and second departments of the appellate division. Except for the member representing the housing authority, the members of the advisory council shall be appointed for non-renewable terms of three years. In addition the mayor of the city of New York shall appoint one member to serve at his or her pleasure and the commissioner of housing and community renewal shall be a member.

(~~h~~l) The advisory council shall meet at least four times a year, and on such additional occasions as they may require or as may be required by the administrative judge. Members shall receive no compensation. Members shall visit the housing part from time to time to review the manner in which the part is functioning, and make recommendations to the administrative judge and to the advisory council. A report on the work of the part shall be prepared annually and submitted to the administrative judge, the administrative board of the judicial conference, the majority and minority leaders of the senate and assembly, the governor, the chairpersons of the judiciary committee in the senate and assembly and the mayor of the city of New York by the thirty-first day of January of each year.

~~(i)~~**m**) Housing judges shall have been admitted to the bar of the state for at least five years, two years of which shall have been in active practice. Each housing judge shall serve full-time for five years. Reappointment shall be at the discretion of the administrative judge and on the basis of the criteria set forth for selection by the advisory council in subdivision (f) of this section, performance, competency and results achieved during the preceding term, and the judge's allocation of stipulations to self-represented litigants and the judge's compliance with [section seven hundred forty-six of the real property actions and proceedings law](#).

~~(j)~~**n**) *Repealed.*

~~(k)~~**o**) Unless a party requests a manual stenographic record by filing a notice with the clerk two working days prior to the date set for an appearance before the court, hearings shall be recorded mechanically. A party may request a transcript from a mechanical recording. Any party making a request for a copy of either a mechanically or manually recorded transcript shall bear the cost thereof and shall furnish a copy of the transcript to the court, and to the other parties.

~~(l)~~**p**) Any city department charged with enforcing any state or local law applicable to the enforcement of proper housing standards may be represented in the housing part by its department counsel in any action or proceeding in which it is a party. A corporation which is a party may be represented by an officer, director or a principal stockholder.

~~(m)~~**q**) The service of process in any of the actions or proceedings specified in subdivision (a) which are brought under the housing maintenance code of the administrative code of the city of New York shall be made as herein provided:

(1) Service of process shall be made in the manner prescribed for actions or proceedings in this court, except where the manner of such service is provided for in the housing maintenance code of the administrative code of the city of New York, such service may, as an alternative, be made as therein provided.

(2) Where the manner of service prescribed for actions or proceedings in this court includes delivery of the summons to a person at the actual place of business of the person to be served, such delivery may be made alternatively to a person of suitable age and discretion at the address registered with the department charged with the enforcement of local laws relating to housing maintenance pursuant to article forty-one of such code, hereinafter referred to as the "registered address".

(3) Where the manner of service prescribed for actions or proceedings in this court includes affixing the summons to the door of the actual place of business of the person to be served, the summons may, as an alternative, be posted in a conspicuous place on either the premises specified in the summons or the registered address.

(4) Where the manner of service for actions or proceedings in this court includes mailing the summons to the person to be served at his last known residence, the summons may, as an alternative, be mailed to the registered address; however, if the person to be served has not registered as required by article forty-one of such housing maintenance code, such summons may, as an alternative, be mailed to an address registered in the last registration

statement filed with such department other than the address of the managing agent of the premises and to the last known address of the person to be served.

(5) Where the manner of service for actions or proceedings in this court includes mailing the summons to the person to be served at his last known residence, if the person to be served is a corporation and if either: (i) an officer of such corporation, (ii) the managing agent of such corporation for the premises involved in the suit or (iii) a person designated by such corporation to receive notices in its behalf, other than the secretary of state, has been named a party to the suit, the summons may, as an alternative, be mailed to the registered address of such corporation or, if such corporation has not registered as required by such code, to the address of such corporation set forth in a document filed or recorded with a governmental agency.

(6) A copy of the summons with proof of service shall be filed in the manner provided in [section four hundred nine](#), except that such filing shall be made with the clerk of the housing part in the county in which the action is brought.

~~(nr)~~ Nothing contained in the [1section one hundred ten](#) shall in any way affect the right of any party to trial by jury as heretofore provided by law.

~~(os)~~ There shall be a sufficient number of pro se clerks of the housing part to assist persons without counsel. Such assistance shall include, but need not be limited to providing information concerning court procedure, helping to file court papers, and, where appropriate, advising persons to seek administrative relief.

~~(pt)~~ The court shall review the performance and records of administrators appointed pursuant to article seven-A of the real property actions and proceedings law or receivers appointed pursuant to paragraph six of subdivision (a) of this section. Such review shall include but not be limited to an examination of the accountings submitted by such administrators or receivers and an examination of the plan submitted to the court pursuant to [subdivision nine of section seven hundred seventy-eight of the real property actions and proceedings law](#). The court may compel the production of any records it deems necessary to perform such review.

~~(qu)~~

(1) The office of court administration shall by rule promulgate a Spanish version of the Notice of Petition that shall include a designated telephone number which will provide information to the respondent in Spanish on the court process for eviction, and the Notice of Petition shall be required to be served together with an English version in all proceedings commenced under [section seven hundred thirty-two of the real property actions and proceedings law](#).

(2) The office of court administration shall by rule promulgate a notice to be annexed to all Notices of Petitions subject to proceedings commenced under [section seven hundred thirty-two of the real property actions and proceedings law](#), which shall state, in the six most common languages in the city of New York, after Spanish, that the respondent may obtain a copy of the Notice of Petition form in those six most common languages on the internet

website of the office of court administration which shall be provided on this notice for this purpose, and may call a designated telephone number, listed on the notice, which will provide information on the court process for eviction in those six languages.

(3) The office of court administration shall by rule revise the text of the postcard currently required to be filed by petitioners in proceedings subject to article seven of the real property actions and proceedings law to include notice in the seven most common languages in the city of New York, that the respondent may call a designated telephone number, listed on the postcard, for more information on the court process for eviction.

(4) The office of court administration shall promulgate notices in the seven most common languages in the city of New York to be distributed to litigants in the housing part of the civil court advising them of the right to have all court proceedings and any agreements settling the case interpreted to them orally in their native language.

## Appendix D

### **Non-Payment, Allocutions and Small Property Owners' Parts by Office of Court Administration Rule**

New text appears in green.

Uniform Rules for Trial Courts, Civil Court Section 208.42.

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Section 208.3 Parts of court; structure.

(a) General. A part of court is a designated unit of the court in which specified business of the court is to be conducted by a judge or quasi-judicial officer.

(b) Number and Types. In each division there shall be such number of calendar parts, trial parts, motion parts, conference parts, multipurpose parts, and other special parts of court, and any combination thereof, as may be established from time to time by the Chief Administrator of the Courts. There shall also be one or more small claims parts in each division for the hearing and disposition of all small claims proceedings, as the Chief Administrator may establish.

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(6) Additional Parts. Additional parts, including parts with special or limited functions, may be established from time to time by order of the Chief Administrator for such purposes as may be assigned by the Chief Administrator.

(7) Transfer of Actions. By order of the Chief Administrator, proceedings and matters may be transferred, as the Chief Administrator deems necessary, from one part of court to another in the same division, regardless of the denomination of the parts.

### **Section 208.43 Rules of the housing part.**

(a) In Housing Court, there shall be:

1. a Non-Payment Proceedings Part for actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings to recover possession of residential premises to remove tenants therefrom, and to render judgment for rent due, except for those cases in which a tenant alleges a defense under section seven hundred fifty-five of the real property actions and proceedings law, relating to stay or proceedings or action for rent upon failure to make repairs, section three hundred two-a of the multiple dwelling law, relating to the abatement of rent in case of certain violations of section D26-41.21 of such housing maintenance code.

**2. a Holdover Proceedings Part for actions and proceedings under article seven-A of the real property actions and proceedings law, and all summary proceedings, not described in or excluded from the Non-Payment Proceedings Part, to recover possession of residential premises and to remove tenants therefrom.**

**3. an Allocutions Part for actions and proceedings under article seven-A of the real property actions and proceedings law, and all proceedings for the allocation of settlement agreements and stipulations entered into and/or taken in proceedings commenced in the Non-Payment or Holdover Part.**

**4. Small Owner-Occupied Part for actions and proceedings commenced under article seven-A of the real property actions and proceedings law by or against owners of owner-occupied buildings having up to six units and by tenants against a roommate.**

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